

# Exhibit 5



Vanessa Baehr-Jones &lt;vanessa@advocatesforsurvivors.com&gt;

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**RE: JCPD Case - Meet and Confer**

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**Jon Lakey** <jlakey@bpjlaw.com>

Mon, Jun 24, 2024 at 12:42 PM

To: Julie Erickson <julie@eko.law>, Elizabeth Kramer <elizabeth@eko.law>, Sandy Vite <sandy@hbm-lawfirm.com>  
Cc: Vanessa Baehr-Jones <vanessa@advocatesforsurvivors.com>, Heather Collins <heather@hmccivilrights.com>, Emily Taylor <etaylor@watsonroach.com>, "Ben C. Allen" <ballen@fbb.law>, "Kristin E. Berexa" <kberexa@fbb.law>, Daniel H Rader IV <danny@moorerader.com>, Keith Grant <kgrant@rswlaw.com>, Maria Ashburn <mashburn@watsonroach.com>, Marie Chrisman <mchrisman@bpjlaw.com>, Jessica Dowd <jdowd@fbb.law>, Iliana Arbeed <iliana@eko.law>, Erica Russell <erica@hmccivilrights.com>

Julie:

Please see attached letter in response.

Thanks—

Jon

Jon Lakey

Burch, Porter &amp; Johnson, PLLC

130 North Court Ave | Memphis, TN 38103

Direct: 901-524-5140 | Main: 901-524-5000

jlakey@bpjlaw.com | Bio | vcard

---

**From:** Julie Erickson <julie@eko.law>**Sent:** Friday, June 21, 2024 12:37 AM**To:** Jon Lakey <jlakey@bpjlaw.com>; Elizabeth Kramer <elizabeth@eko.law>; Sandy Vite <sandy@hbm-lawfirm.com>**Cc:** Vanessa Baehr-Jones <vanessa@advocatesforsurvivors.com>; Heather Collins <heather@hmccivilrights.com>; Emily Taylor <etaylor@watsonroach.com>; Ben C. Allen <ballen@fbb.law>; Kristin E. Berexa <kberexa@fbb.law>; Daniel H Rader IV <danny@moorerader.com>; Keith Grant <kgrant@rswlaw.com>; Maria Ashburn <mashburn@watsonroach.com>; Marie Chrisman <mchrisman@bpjlaw.com>; Jessica Dowd <jdowd@fbb.law>; Iliana Arbeed <iliana@eko.law>; Erica Russell <erica@hmccivilrights.com>**Subject:** Re: JCPD Case - Meet and Confer

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Counsel,

As promised, please see attached for a description of the specific relief Plaintiffs seek with respect to depositions of unnamed class members.

Thanks,

Julie

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**From:** Julie Erickson <[julie@eko.law](mailto:julie@eko.law)>

**Date:** Thursday, June 20, 2024 at 1:19 PM

**To:** Jon Lakey <[jlakey@bpjlaw.com](mailto:jlakey@bpjlaw.com)>, Elizabeth Kramer <[elizabeth@eko.law](mailto:elizabeth@eko.law)>, Sandy Vite <[sandy@hbm-lawfirm.com](mailto:sandy@hbm-lawfirm.com)>

**Cc:** Vanessa Baehr-Jones <[vanessa@advocatesforsurvivors.com](mailto:vanessa@advocatesforsurvivors.com)>, Heather Collins <[heather@hmccivilrights.com](mailto:heather@hmccivilrights.com)>, Emily Taylor <[etaylor@watsonroach.com](mailto:etaylor@watsonroach.com)>, Ben C. Allen <[ballen@fbb.law](mailto:ballen@fbb.law)>, Kristin E. Berexa <[kberexa@fbb.law](mailto:kberexa@fbb.law)>, Daniel H Rader IV <[danny@moorerader.com](mailto:danny@moorerader.com)>, Keith Grant <[kgrant@rswlaw.com](mailto:kgrant@rswlaw.com)>, Maria Ashburn <[mashburn@watsonroach.com](mailto:mashburn@watsonroach.com)>, Marie Chrisman <[mchrisman@bpjlaw.com](mailto:mchrisman@bpjlaw.com)>, Jessica Dowd <[jdowd@fbb.law](mailto:jdowd@fbb.law)>, Iliana Arbeed <[iliana@eko.law](mailto:iliana@eko.law)>, Erica Russell <[erica@hmccivilrights.com](mailto:erica@hmccivilrights.com)>

**Subject:** Re: JCPD Case - Meet and Confer

Jon – duly noted.

Also in follow up to today's meet and confer call, I wanted to direct everyone's attention to ECF 74 [the parties' Joint Rule 26(f) Report], pg. 4, section (5)(j):

"The parties will proceed with discovery in accordance with Fed. R. Civ. P. 26 and the Scheduling Order to be entered in this case. However, the parties expect that they will need more than 10 depositions per party and request at least 20 depositions per side."

Thanks,

Julie

Julie C. Erickson

**ERICKSON KRAMER OSBORNE**

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**From:** Jon Lakey <[jlakey@bpjlaw.com](mailto:jlakey@bpjlaw.com)>  
**Date:** Thursday, June 20, 2024 at 1:03 PM  
**To:** Elizabeth Kramer <[elizabeth@eko.law](mailto:elizabeth@eko.law)>, Sandy Vite <[sandy@hbm-lawfirm.com](mailto:sandy@hbm-lawfirm.com)>  
**Cc:** Julie Erickson <[julie@eko.law](mailto:julie@eko.law)>, Vanessa Baehr-Jones <[vanessa@advocatesforsurvivors.com](mailto:vanessa@advocatesforsurvivors.com)>, Heather Collins <[heather@hmccivilrights.com](mailto:heather@hmccivilrights.com)>, Emily Taylor <[etaylor@watsonroach.com](mailto:etaylor@watsonroach.com)>, Ben C. Allen <[ballen@fbb.law](mailto:ballen@fbb.law)>, Kristin E. Berexa <[kberexa@fbb.law](mailto:kberexa@fbb.law)>, Daniel H Rader IV <[danny@moorerader.com](mailto:danny@moorerader.com)>, Keith Grant <[kgrant@rswlaw.com](mailto:kgrant@rswlaw.com)>, Maria Ashburn <[mashburn@watsonroach.com](mailto:mashburn@watsonroach.com)>, Marie Chrisman <[mchrisman@bpjlaw.com](mailto:mchrisman@bpjlaw.com)>, Jessica Dowd <[jdowd@fbb.law](mailto:jdowd@fbb.law)>, Iliana Arbeed <[iliana@eko.law](mailto:iliana@eko.law)>, Erica Russell <[erica@hmccivilrights.com](mailto:erica@hmccivilrights.com)>  
**Subject:** RE: JCPD Case - Meet and Confer

Elizabeth—

In follow-up to our call a that ended a moment ago, in moving forward with the scheduling of deposition dates in early July, the dates on which defendants want to depose three unnamed class members (all of whom I believe have specific allegations about them in the operative complaint and some of who at least were named plaintiffs), the plaintiffs announced that they intend to file a motion for protective order. You generally discussed the nature of the protections you want the court to impose, and Erick Herrin pointed out, correctly I believe, that the limitations seem unworkable. But, until we see the actual detail of the relief Plaintiffs are seeking and to whom it will apply, the City of Johnson City is not taking a formal position and wants to be part of any meet and confers as the relief you are seeking is discussed between the parties. I wanted to make sure there was no confusion on this issue as we move forward.

Thanks—

Jon

Jon Lakey

Burch, Porter & Johnson, PLLC

[130 North Court Ave | Memphis, TN 38103](#)

Direct: 901-524-5140 | Main: 901-524-5000

[jlakey@bpjlaw.com](mailto:jlakey@bpjlaw.com) | Bio | vcard

**From:** Elizabeth Kramer <[elizabeth@eko.law](mailto:elizabeth@eko.law)>

**Sent:** Wednesday, June 19, 2024 2:00 PM

**To:** Sandy Vite <[sandy@hbm-lawfirm.com](mailto:sandy@hbm-lawfirm.com)>

**Cc:** Julie Erickson <[julie@eko.law](mailto:julie@eko.law)>; Vanessa Baehr-Jones <[vanessa@advocatesforsurvivors.com](mailto:vanessa@advocatesforsurvivors.com)>; Heather Collins <[heather@hmccivilrights.com](mailto:heather@hmccivilrights.com)>; Emily Taylor <[etaylor@watsonroach.com](mailto:etaylor@watsonroach.com)>; Ben C. Allen <[ballen@fbb.law](mailto:ballen@fbb.law)>; Kristin E. Berexa <[kberexa@fbb.law](mailto:kberexa@fbb.law)>; Daniel H Rader IV <[danny@moorerader.com](mailto:danny@moorerader.com)>; Jon Lakey <[jlakey@bpjlaw.com](mailto:jlakey@bpjlaw.com)>; Keith Grant <[kgrant@rswlaw.com](mailto:kgrant@rswlaw.com)>; Maria Ashburn <[mashburn@watsonroach.com](mailto:mashburn@watsonroach.com)>; Marie Chrisman <[mchrisman@bpjlaw.com](mailto:mchrisman@bpjlaw.com)>; Jessica Dowd <[jdowd@fbb.law](mailto:jdowd@fbb.law)>; Iliana Arbeed <[iliana@eko.law](mailto:iliana@eko.law)>; Erica Russell <[erica@hmccivilrights.com](mailto:erica@hmccivilrights.com)>

**Subject:** Re: JCPD Case - Meet and Confer

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Alright. Let's do the deposition meet and confer tomorrow at 12 Pacific / 2 Central / 3 Eastern.

Thank you Sandy for setting up a link.

Regards,

Elizabeth

**From:** Sandy Vite <[sandy@hbm-lawfirm.com](mailto:sandy@hbm-lawfirm.com)>

**Date:** Wednesday, June 19, 2024 at 7:40 AM

**To:** Elizabeth Kramer <[elizabeth@eko.law](mailto:elizabeth@eko.law)>

**Cc:** Julie Erickson <[julie@eko.law](mailto:julie@eko.law)>, Vanessa Baehr-Jones <[vanessa@advocatesforsurvivors.com](mailto:vanessa@advocatesforsurvivors.com)>, Heather Collins <[heather@hmccivilrights.com](mailto:heather@hmccivilrights.com)>, Emily Taylor <[etaylor@watsonroach.com](mailto:etaylor@watsonroach.com)>, Ben C. Allen <[ballen@fbb.law](mailto:ballen@fbb.law)>, Kristin E. Berexa <[kberexa@fbb.law](mailto:kberexa@fbb.law)>, Daniel H Rader IV <[danny@moorerader.com](mailto:danny@moorerader.com)>, [jlakey@bpjlaw.com](mailto:jlakey@bpjlaw.com) <[jlakey@bpjlaw.com](mailto:jlakey@bpjlaw.com)>, Keith Grant <[kgrant@rswlaw.com](mailto:kgrant@rswlaw.com)>, Maria Ashburn <[mashburn@watsonroach.com](mailto:mashburn@watsonroach.com)>, Marie Chrisman <[mchrisman@bpjlaw.com](mailto:mchrisman@bpjlaw.com)>, Jessica Dowd <[jdowd@fbb.law](mailto:jdowd@fbb.law)>

**Subject:** RE: JCPD Case - Meet and Confer

Elizabeth,

Emily is out of town the rest of this week. We will need to schedule when she is available for Turner issues.

Thank you,

Erick

Sandy

Sandy Vite, Legal Assistant to Samuel K. McPeak

HERRIN, McPEAK & ASSOCIATES

515 E. Unaka Avenue

P.O. Box 629

Johnson City, TN 37605

Phone: (423) 929-7113

Fax: (423) 929-7114

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**HERRIN, McPEAK**

**& ASSOCIATES**

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*Attorneys at Law*

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**From:** Elizabeth Kramer <[elizabeth@eko.law](mailto:elizabeth@eko.law)>

**Sent:** Wednesday, June 19, 2024 10:27 AM

**To:** Sandy Vite <[sandy@hbm-lawfirm.com](mailto:sandy@hbm-lawfirm.com)>

**Cc:** Julie Erickson <[julie@eko.law](mailto:julie@eko.law)>; Vanessa Baehr-Jones <[vanessa@advocatesforsurvivors.com](mailto:vanessa@advocatesforsurvivors.com)>; Heather Collins <[heather@hmccivilrights.com](mailto:heather@hmccivilrights.com)>; Emily Taylor <[etaylor@watsonroach.com](mailto:etaylor@watsonroach.com)>; Ben C. Allen <[ballen@fbb.law](mailto:ballen@fbb.law)>; Kristin E. Berexa <[kberexa@fbb.law](mailto:kberexa@fbb.law)>; Daniel H Rader IV <[danny@moorerader.com](mailto:danny@moorerader.com)>; [jlakey@bpjlaw.com](mailto:jlakey@bpjlaw.com); Keith Grant <[kgrant@rswlaw.com](mailto:kgrant@rswlaw.com)>; Maria Ashburn <[mashburn@watsonroach.com](mailto:mashburn@watsonroach.com)>; Marie Chrisman <[mchrisman@bpjlaw.com](mailto:mchrisman@bpjlaw.com)>; Jessica Dowd <[jdowd@fbb.law](mailto:jdowd@fbb.law)>

**Subject:** Re: JCPD Case - Meet and Confer

Hi Erick,

I had two separate meet and confer requests out: one just for Turner's discovery responses (to you and Emily), and one for depositions (to everyone, on a separate thread).

Since you've got counsel for all defendants available for Thursday at 3pm Eastern, I suggest we use that time to discuss depositions, and then reserve time before or after for Turner's discovery responses.

Does that work?

Thank you,

Elizabeth

Elizabeth A. Kramer

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**EK+O**

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**From:** Sandy Vite <[sandy@hbm-lawfirm.com](mailto:sandy@hbm-lawfirm.com)>  
**Date:** Wednesday, June 19, 2024 at 7:12 AM  
**To:** Elizabeth Kramer <[elizabeth@eko.law](mailto:elizabeth@eko.law)>  
**Cc:** Julie Erickson <[julie@eko.law](mailto:julie@eko.law)>, Vanessa Baehr-Jones <[vanessa@advocatesforsurvivors.com](mailto:vanessa@advocatesforsurvivors.com)>, Heather Collins <[heather@hmccivilrights.com](mailto:heather@hmccivilrights.com)>, Emily Taylor <[etaylor@watsonroach.com](mailto:etaylor@watsonroach.com)>, Ben C. Allen <[ballen@fbb.law](mailto:ballen@fbb.law)>, Kristin E. Berexa <[kberexa@fbb.law](mailto:kberexa@fbb.law)>, Daniel H Rader IV <[danny@moorerader.com](mailto:danny@moorerader.com)>, [jlakey@bpjlaw.com](mailto:jlakey@bpjlaw.com) <[jlakey@bpjlaw.com](mailto:jlakey@bpjlaw.com)>, Keith Grant <[kgrant@rswlaw.com](mailto:kgrant@rswlaw.com)>, Maria Ashburn <[mashburn@watsonroach.com](mailto:mashburn@watsonroach.com)>, Marie Chrisman <[mchrisman@bpjlaw.com](mailto:mchrisman@bpjlaw.com)>, Jessica Dowd <[jdowd@fbb.law](mailto:jdowd@fbb.law)>  
**Subject:** RE: JCPD Case - Meet and Confer

Elizabeth:

By all meet and confer accounts it takes a bit to get busy lawyer's schedules coordinated. Patience is required and appreciated.

We are available for a meet and confer on Thursday afternoon at 3:00 p.m. EST.

Please confirm that is workable on your side, and we will distribute a link.

Thank you,

Erick Herrin



Sandy

Sandy Vite, Legal Assistant to Samuel K. McPeak

HERRIN, McPEAK & ASSOCIATES

515 E. Unaka Avenue

P.O. Box 629

Johnson City, TN 37605

Phone: (423) 929-7113

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Email: [sandy@hbm-lawfirm.com](mailto:sandy@hbm-lawfirm.com)



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**From:** Elizabeth Kramer <[elizabeth@eko.law](mailto:elizabeth@eko.law)>  
**Sent:** Wednesday, June 19, 2024 1:57 AM  
**To:** Emily Taylor <[etaylor@watsonroach.com](mailto:etaylor@watsonroach.com)>; Sandy Vite <[sandy@hbm-lawfirm.com](mailto:sandy@hbm-lawfirm.com)>  
**Cc:** Julie Erickson <[julie@eko.law](mailto:julie@eko.law)>  
**Subject:** Re: JCPD Case - Turner Discovery

Emily and Erick,

Please advise on my request for a meet and confer.

Thank you,

Elizabeth

---

**From:** Emily Taylor <[etaylor@watsonroach.com](mailto:etaylor@watsonroach.com)>  
**Date:** Thursday, June 13, 2024 at 9:53 AM  
**To:** Elizabeth Kramer <[elizabeth@eko.law](mailto:elizabeth@eko.law)>, Sandy Vite <[sandy@hbm-lawfirm.com](mailto:sandy@hbm-lawfirm.com)>  
**Subject:** RE: JCPD Case - Turner Discovery

Elizabeth,

Turner's work email and work phone have been searched using the search terms Plaintiff provided. I believe that data was produced months ago as part of either Volume 6 or 7 of the City's production volumes. I could be wrong about the volume number. Plaintiffs have that data because one of the emails that came from Turner was used in Ball's deposition, i.e. CITY-0075958.

Erick and I will confer about your request for a meet and confer and get back to you.

**Emily C. Taylor**  
865-637-1700 (office)  
865-525-2514 (fax)  
[etaylor@watsonroach.com](mailto:etaylor@watsonroach.com)



Website

Bio

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**From:** Elizabeth Kramer <[elizabeth@eko.law](mailto:elizabeth@eko.law)>  
**Sent:** Thursday, June 13, 2024 12:30 PM  
**To:** Emily Taylor <[etaylor@watsonroach.com](mailto:etaylor@watsonroach.com)>; Sandy Vite <[sandy@hbm-lawfirm.com](mailto:sandy@hbm-lawfirm.com)>  
**Subject:** Re: JCPD Case - Turner Discovery

---

Thanks Emily and Erick,

In terms of what's in the City's possession, Turner must have relevant documents on his work computer / in his work email, and possibly hard copies, located through your own search, and by applying the ESI protocol search terms to various data sources. Since nothing has been produced, can you explain what happened with those search and collection efforts?

Additionally, I request a meet and confer on Turner's discovery responses. Please propose a date and time any day next week and I will make myself available. Turner's responses to not comply with Rule 34's requirement to state, for each objection, whether documents are being withheld based on that objection. Please be prepared to state that on the phone call so we can focus on the objections that are not actually affecting your search and production.

Lastly, please provide an update on the attorney-led search of the phone by Wednesday of next week. Also, what's the status of the information the City subpoenaed for this number from T-Mobile?

Thank you,

Elizabeth

Elizabeth A. Kramer

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San Francisco, California

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**From:** Emily Taylor <[etaylor@watsonroach.com](mailto:etaylor@watsonroach.com)>  
**Date:** Saturday, June 8, 2024 at 6:59 AM  
**To:** Elizabeth Kramer <[elizabeth@eko.law](mailto:elizabeth@eko.law)>  
**Cc:** Sandy Vite <[sandy@hbm-lawfirm.com](mailto:sandy@hbm-lawfirm.com)>  
**Subject:** RE: JCPD Case - Turner Discovery

Elizabeth,

I've added Erick to this email since he has primarily worked on the Turner responses since I've been inundated with continuing to respond to requests to the City. I have attached Turner's discovery responses. As you will recall, Chief Turner retired in February of 2023. He did not have a personal cell phone until after his retirement. Regarding that personal phone, it is a very cheap flip phone. Our vendor shipped us a cell collection kit so we could attempt to extract/image the flip phone. After the collection kit arrived, we spent hours on the phone with my vendor trying to find some sort of software that was compatible with his flip phone. My vendor tried every tool available, and determined it was not possible to perform an extraction. If you want to see if your vendor is aware of a collection tool that is compatible with Chief Turner's flip phone, we are open to what you can find. Otherwise, we will need to do an attorney led review of his phone, which as a flip phone, has very limited data. Since it cannot take screen shots, to the extent there is any discoverable information on the phone, we will take pictures of the information with either my smartphone or a camera.

The model of the phone is:  
T-Mobile TCL flip phone  
Model: 4058W

Erick and I will work on getting photos of any relevant info. on the flip phone after the depos. next week.

Thanks,

Emily

From: Elizabeth Kramer <[elizabeth@eko.law](mailto:elizabeth@eko.law)>  
Sent: Thursday, June 6, 2024 3:53 PM  
To: Emily Taylor <[etaylor@watsonroach.com](mailto:etaylor@watsonroach.com)>  
Subject: JCPD Case - Turner Discovery

Emily, As far as I can tell, we have received no discovery for Turner. Am I missing something? Can you explain, or let me know a time to meet and confer? Thank you, Elizabeth A. Kramer  
ERICK

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Emily,

As far as I can tell, we have received no discovery for Turner. Am I missing something?  
Can you explain, or let me know a time to meet and confer?

Thank you,  
Elizabeth

Elizabeth A. Kramer  
ERICKSON KRAMER OSBORNE  
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